

**REMARKS**

Applicants wish to thank the Examiner for examination of the present application. Claims 1, 3-17, 19-29, 32-38, 40, 42-46, and 49-54 are pending.

Applicants respectfully traverse the outstanding rejections as follows:

35 U.S.C. § 102

Claims 1, [3]-5, 8, 11-14, 16, 17, 19-26, 28, 29, 34-48, 40, 42-46 and 49-56 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,482,209 to Engh et al. (Engh).

Applicants respectfully traverse this rejection, because, among other things, Engh does not teach or suggest at least two elements of each independent claim. Specifically, each independent claim requires both a form of a planar surface portion, and of a curved portion that substantially replicates a patient-specific curve. Specifically, the pending claims recite an implant in which at least a portion of the articular implant surface includes a curvature that substantially replicates a curvature of (or substantially approximates) at least a portion of a corresponding *uncut articular surface* of the patient's femoral condyle. Further, the pending claims require that at least of portion of one of the bone-facing implant surfaces comprises *a planar surface* to abut a bone cut surface.

Engh does not disclose either of these two elements. Specifically, as shown in Figure 37, Engh first resect the femoral condyles to obtain bone resections 130 and 132. The implant shown in Figure 41 and 42 includes a first component 132 and a second component 132, and upon implantation, the first and second components are fit to the bone resections shown in Figure 37. Moreover, Engh only teaches "implants . . . provided in a range of sizes to accommodate individual patient physiology . . .," column 15, lines 19-21. Thus, Engh does not teach or suggest any implant with at least a portion of its surface that substantially matches a corresponding, patient-specific, uncut articular surface. Further, no portion of the embodiments described in Engh shows a planar surface. Accordingly, the pending claims are patentable over Engh.

35 U.S.C. § 103

Claims 6, 7, 9, 10, 32, and 33 stand rejected under 35 U.S.C. § 103(a) over Engh in view of U.S. Patent Application Publication 2003/0060882 to Fell (Fell), and claims 15 and 27 stand

rejected under 35 U.S.C. §103 over Engh in view of U.S. Patent Application Publication [2004/0167630] to Rolston (Rolston, filed Feb. 20, 2003, published Aug. 26, 2004).

Engh's deficiency with respect to the pending claims is discussed above. Neither Fell or Rolston makes up for that deficiency. Accordingly, the pending claims are patentable over the cited references.

### **Conclusion**

Applicants believe that the application is in condition for allowance and respectfully request that a notice of allowance be issued. The Examiner is authorized to charge any fees required for timely consideration of this application to Deposit Account No. 19-4972.

Applicants invite the Examiner to contact the undersigned by telephone, if it will help advance the application through issuance.

Respectfully submitted,

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